

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

W. JAMES KERNAGHAN, II, et al., :  
: CIVIL ACTION  
:  
Plaintiffs, : NO. 11-1051  
:  
v. :  
:  
BCI COMMUNICATIONS, INC., et al., :  
:  
Defendants. :

**ORDER**

**AND NOW**, this 19th day of July 2011, upon consideration of Defendant Clearwire Corporation's Motion to Dismiss the Complaint (Doc. No. 9), Plaintiffs' Response in Opposition (Doc. No. 10), and the arguments of the parties at a hearing on the Motion held July 11, 2011, and for the reasons stated in the Court's Opinion filed this day, it is **ORDERED** as follows:

1. Defendant Clearwire Corporation's Motion to Dismiss the Complaint (Doc. No. 9) is **GRANTED in part and DENIED in part.**
2. The Motion is **GRANTED** to the extent Count II of the Complaint contains a claim for tortious interference with prospective contractual relations.
3. The Motion is **DENIED** in all other respects. The claim contained in Count II alleging tortious interference with existing contractual relations will remain.
4. Defendant Clearwire Corporation shall file an Answer to the Complaint within twenty (20) days of the date of this Order.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.